

Notice of Allowability

Application No.

10/708,421

Examiner

Karl J. Puttlitz

Applicant(s)

PICARD ET AL.

Art Unit

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to reply filed 11/2/2006.
2. ☒ The allowed claim(s) is/are 1-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

KARL PUTTLITZ
PATENT EXAMINER

REASONS FOR ALLOWANCE

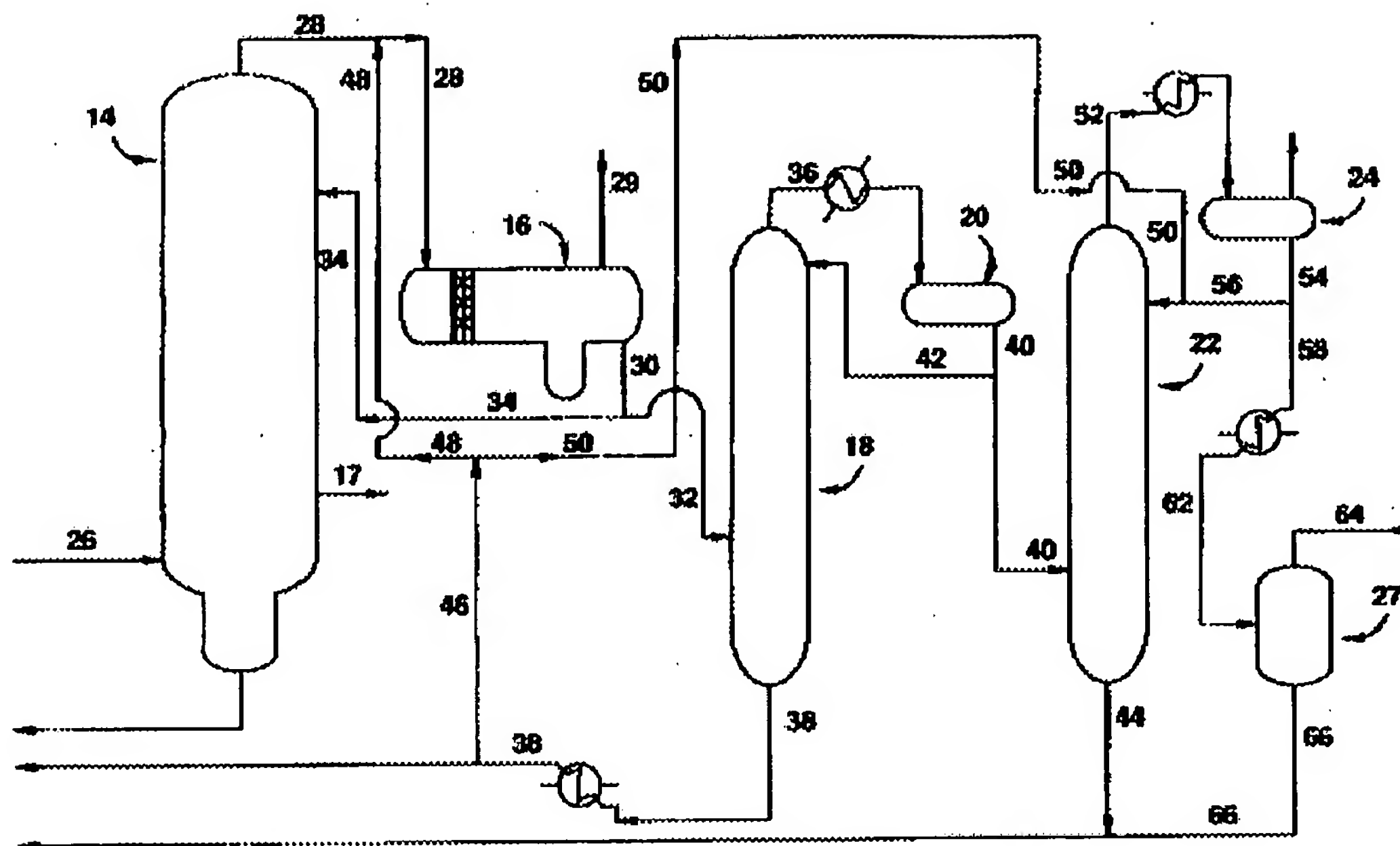
The following is an examiner's statement of reasons for allowance:

The objection to the brackets in the claims is withdrawn in view of the instant amendments.

The outstanding rejection under section 112, second paragraph is withdrawn in view of Applicant's remarks clarifying that the term "said distillation apparatus" refers to the distillation apparatus forming a PRC enriched second overhead. Moreover, the term "wherein the improvement" in claim 2 has been deleted.

The outstanding rejection under section 103 is withdrawn since neither Blay nor Singh suggests required steps of extracting a second overhead with water and separating therefrom an aqueous stream comprising said at least one PRC; and recycling at least a first portion of the extracted second overhead to a distillation apparatus. In this regard, Singh fails to remedy Blay since teaches that the resulting PRC-rich stream is extracted but exited from the reaction system, see figure 1 of Singh:

FIG.1



wherein exiting the extractor is stream 66 comprising methyl iodide which is recycled to the reactor. The aqueous stream of 64, leaves the extractor from the top thereof. *This PRC-rich, and in particular, acetaldehyde-rich aqueous phase is directed to waste treatment*, see column 11, lines 38-42. Therefore, the combination of Blay and Singh teach or suggest all the elements of the claimed process, namely, a process comprising a step of extracting a second overhead with water and and recycling at least a first portion of the extracted second overhead to a distillation apparatus.

An updated search of the prior art failed to uncover a reference that would have motivated those of ordinary skill to modify a known to process to include the required extraction and recycling step. In this regard, WO 199817619 (which is a counterpart to

Art Unit: 1621

the parent application of Singh, US 08/951952) also teaches that the extracted PRC-rich stream is exited from the system, see page 11, lines 4-6.

The outstanding rejections under obviousness-type double patenting are withdrawn in view of the Terminal Disclaimers over copending applications Nos. 10/708420, 10/708423 and 11/116771.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl J. Puttlitz whose telephone number is (571) 272-0645. The examiner can normally be reached on Monday to Friday from 9 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page, can be reached at telephone number (571) 272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'K. Puttlitz', with a large loop at the end.

KARL PUTTLITZ
PATENT EXAMINER